

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PATRICK COLEMAN : CIVIL ACTION
 :
 v. :
 :
 LOUIS FOLINO : NO. 14-1683

ORDER

AND NOW, this 21st day of October, 2015, upon consideration of petitioner Patrick Coleman's objections (docket entry #20) to the Report and Recommendation of the Honorable Timothy R. Rice (docket entry #16), and for the reasons outlined in the accompanying Memorandum, it is hereby ORDERED that:

1. Petitioner's objections are OVERRULED;
2. Judge Rice's Report and Recommendation is APPROVED and ADOPTED IN PART;
3. Petitioner's habeas petition (docket entry #1) is DISMISSED WITH PREJUDICE and without an evidentiary hearing;
4. Because reasonable jurists could debate whether the petition states a valid claim for a denial of a constitutional right to the extent it leaves the unresolved question of the FMJE's application to petitioner's trial, Slack v. McDaniel, 529 U.S. 473, 484 (2000), we will ISSUE a limited certificate of appealability; and
5. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.
Stewart Dalzell, J.

